

## APPENDIX 7

# Procurement plan

This procurement plan is presented as an example. It is not to be considered a model, nor does it represent all of the procurement options available to a school food authority. This example represents the procedures of a single school food authority.

The Pretend School District will purchase food and other items for use in the Child Nutrition Program in compliance with Federal regulations in Code of Federal Regulations Volume 7 state and local laws and regulations, using the procedures outlined on this and attached pages and the Chart of Procedures.

A. If the total amount of purchases exceeds small purchase threshold will use formal procedures. Formal procedures can be Invitation for Sealed Bid (IFB) or, Request for Proposal(RFP). Formal procedures will be as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or product.
3. Advertise in a newspaper of general circulation.

4. Mail descriptions, instructions, and response documents to all potential bidders.
5. Open and tabulate responses in a public meeting.
6. Submit staff recommendation to the school board for award of contract.

B. If the purchases are not covered by section A of this plan, these purchases shall be made by use of the applicable state or local procedures. Small purchase procedure is as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or product.
3. Obtain price quotes from a minimum of three suppliers.
4. Prepare a price quote documentation sheet, and indicate the supplier who was awarded the quote and the length of time the price is set.
5. Submit documentation sheet for approval to assistant superintendent for business.

C. If it is necessary to make an emergency purchase to continue uninterrupted service, the purchase shall be made using noncompetitive negotiation to establish contract terms and price. A log of all such purchases shall be maintained and reviewed monthly by the assistant superintendent for business. The log of emergency purchases shall show:

1. Item name
2. Dollar amount
3. Vendor
4. Reason for emergency

D. All purchases will be conducted as follows:

1. The site manager will requisition food, supplies, and equipment for site use. Requisition does not mean a form the requisition could be electronic, a preprinted form, a standing order, or any method that leads to an efficient ordering system.
2. The food service clerk will place orders based on prices that are established through an approved purchase method.
3. The site manager or a food service assistant who has received appropriate receiving training will receive products.
4. The site receiver is only responsible for checking the

brand, if appropriate, and the number of cases. Accounting will check the price on the invoice against the order price.

5. The food service director will develop and interpret specifications/descriptions.
6. The food service director will approve brand or quality substitutions prior to delivery.
7. The purchasing office shall issue request for prices. The purchasing office shall receive response to request for price.
8. The Child Nutrition office shall evaluate response to request for prices.

E. All purchases will be conducted using the procedures on pages 1—3 and the attached Chart of Procedures.

F. All records shall be maintained for a period of three years plus the current year:

G. Code of Conduct

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by School Food and Nutrition Program funds.

No employee, officer or agent of the Pretend School District shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

Conflicts of interest arise when a school district employee:

- ▲ has a financial or other interest in the firm selected for the award;
- ▲ is an employee, officer, or agent of the firm selected for the award;
- ▲ has a member of the immediate family who is an employee, officer, or agent of the firm selected for the award;
- ▲ has a financial interest in the firm selected for the award;
- ▲ is about to be employed by the firm selected for the award; or
- ▲ has a member of the immediate family who is about to be employed by the firm selected for award.

To ensure objective contractor performance and eliminate unfair competitive advantage, however, a person that develops or drafts specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for contract awards resulting from such procurements regardless of the procurement method used.

The Pretend School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of material monetary

value from contractors, potential contractors, or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

The removal of any food, supplies, equipment or school property, such as official records, recipe books and the like is prohibited.

The outside sale of such items as used oil, empty cans and the like will be sold by contract between the Pretend School District and the outside agency. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by the above stated code could result in a fine, or suspension, or both, or dismissal. Interpretation of the code will be given at any time by contacting the Superintendent at 689-285-3678. The Pretend School District will not be responsible for any other explanation or interpretation which anyone presumes to make on behalf of the Board of Education.

### H. Resolution of controversies

1. Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the CN hearing officer.
2. The CN hearing officer will be an independent contractor with training in law, judicial, or administrative hearing processes.

3. The protest shall be in writing.
  4. The protest shall be delivered within 10 days of the action which is being aggrieved.
  5. A hearing will be scheduled within 15 days of receipt of protest.
  6. The proposed purchase will be delayed until the protest is resolved unless the delay will result in disruption of meal service to children. In the event it is determined that the purchase is necessary, an emergency shall be declared by the assistant superintendent for business and emergency purchase procedures will be followed until protest resolution.
  7. The decision of the hearing officer shall be in writing and shall be delivered to the aggrieved supplier with proof of delivery required.
  8. The aggrieved supplier shall be notified that an appeal of the hearing officer's decision is possible. The appeal request should be written and addressed to the school board.
- I. Public access to procurement information
    1. Procurement information shall be a public record to the extent provided in the State open records law.
    2. All bids/offers shall be taken under advisement. Between the time an IFB/RFP is opened and awarded it may be viewed by any company or individual who entered a response to the proposed intent to purchase.
  3. After acceptance, procurement information is available to the general public except As noted below.
    - Any supplier providing information as a part of a proposal or offer shall stamp each page which they consider proprietary information, "not for public release."
    - Should the school district receive a request to release this marked information the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
    - In 10 working days the party requesting the information shall be provided a copy of the court order or instructions on when to review the information.

This plan adopted by the Board of Education of the Pretend School District at the regularly scheduled meeting on this the ninth of April in the year 2001.

## Chart of Procedures

A	B	C	D	E	F
Category	Method	Number of Vendors	Pricing Mechanism	Frequency	Extension
Fresh produce	IFB	Bottom line	Fee/market based	Annually	4
Dry groceries	IFB/SP	Bottom line	Firm priced	Twice year	none
Frozen fruits/vegetables	IFB/SP	Bottom line	Firm priced	Twice year	none
Frozen meats	IFB/SP	Bottom line	Firm priced	Twice year	none
Paper products	IFB/SP	Bottom line	Firm priced	Annually	none
Miscellaneous clean supplies	IFP/SP	Bottom line	Firm priced	Annually	none
Dishmachine and other special chemicals	RFP	Bottom line	Firm priced	Annually	1
Equipment -small	IFB/SP	Bottom line	Firm priced	Annually	none
Equipment-large	RFP	Line/Bottom line	Firm priced	Annually	none
Milk	IFB	Bottom line	Market based	Annually	4
Bread	IFB	Bottom line	Firm priced	Annually	none
Ice Cream	IFB	Bottom line	Firm priced	Annually	none
Software	RFP/SP	Line Item	Firm priced	monthly	none
Software maintenance	RFP	Line Item	Firm priced	Annually	5
Equipment maintenance	RFP	Bottom line	Firm priced	Annually	none
Waste removal	RFP	Bottomline	Firm priced	Annually	5